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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 11th MEETING

Held at Headquarters, New York,
on Wednesday, 22 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

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Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 10 to 12 (continued)

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The meeting was called to order at 10.40 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of Poland (E/1980/6/Add.12)

1. At the invitation of the Chairman, Mr. Freyberg (Poland) took a place at the table.

2. Mr. FREYBERG (Poland) said that he would confine his introductory remarks to updating the information provided in his Government's report, which had been prepared in early 1980.

3. In Poland, the right of the people to exercise all their fundamental rights under the Covenant without discrimination was fully guaranteed and the protection of those rights was an essential part of the Government's policy. The provisions of the Covenant were taken fully into account in preparing the national economic and social development plans and in drafting legislation on social and economic matters.

4. The question of nurseries was of major concern to his Government, particularly in view of the high proportion of Polish women who were employed. In 1980 the number of nurseries had increased by some 8 per cent over the previous year and there were plans to increase the number by 8 to 9 per cent on an annual basis for the next five years. The increase would be made possible in part by reducing the number of government employees, thereby releasing space to be used for nurseries and day-care centres. The nurseries were financed to a large extent from government revenues and parents paid nominal fees based on family income.

5. Family allowances had been increased by some 30 per cent in 1980, with special consideration being given to large families and single women raising families. There had been a special increase of 50 per cent in allowances for families with disabled children.

6. Legislation was being prepared with a view to amending the Labour Code. It was proposed to increase paid maternity leave to 18 weeks in 1981 and thereafter to introduce additional yearly increases of 2 weeks, reaching the target of 24 weeks paid leave in 1984. It was also planned to increase the paid leave of women caring for more than two children and to provide special facilities and allowances for families with disabled children.

7. With regard to article 11 of the Covenant, Polish law required that all products intended for use by children should display special labels specifying their chemical content and special measures were taken to ensure that food products for children were low in nitrates.

(Mr. Freyberg, Poland)

8. With regard to the right to housing, a special programme had been launched in 1980 to improve the housing situation; it included such measures as credit facilities, special allowances for low-income persons and preferences for young couples.

9. In connexion with article 12 of the Covenant, since the preparation of the report, nine new acts had been adopted by the parliament and the Council of Ministers relating to the protection of the human environment. Their object was to create better conditions of work and rest for the entire population; they provided, inter alia, for special measures of protection against noise and vibration and the establishment of environmental protection zones.

10. Mrs. JIMENEZ BUTRAGUEÑO (Spain) requested further information concerning the family courts in Poland and how the Supreme Court played the significant role in protection of the family and children to which the report referred.

11. She noted that a distinction seemed to be drawn in the report between workers and employees and asked whether different legal provisions were applicable to the different categories. For example, the report indicated that the non-working wives of employees were entitled to a one-time birth-benefit and she wondered whether the wives of workers were also entitled to that benefit. She would also welcome clarification concerning the arrangement permitting a woman on unpaid leave for child care to take part-time employment or work at home or on a contract.

12. She asked to what extent the hours of schools and day-care centres coincided with normal working hours in Poland. She also requested information concerning the vacation entitlements of working students.

13. Mr. KORDS (German Democratic Republic) said that he would appreciate additional information about the objectives and membership of the Council for Family Affairs.

14. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the report and the Polish representative's introductory statement documented the impressive efforts of the Government to protect the family and promote the health and education of the children. Polish legislation in those areas was very comprehensive and fully covered the rights provided for in articles 10 to 12 of the Covenant.

15. He commended Poland for the initiative it had taken in 1978 in proposing the adoption of an international convention on the rights of the child. The preliminary draft it had submitted reflected the progress already made in Poland in safeguarding the rights of children. Unfortunately, little progress had been made by the working group set up by the Commission on Human Rights to complete work on the draft convention owing to the opposition of a country which had much to say about human rights, but could not agree to a provision stipulating that the children of foreigners should enjoy the same rights as the children of nationals. The working group on the drafting of the text had approved only six articles and at that pace it would take more than a decade to complete work on the convention. The General Assembly had already adopted two resolutions calling for high priority

(Mr. Sofinsky, USSR)

to be given to that task and urging the Economic and Social Council and the Commission on Human Rights to accelerate work towards that end. It might be helpful for the appropriate bodies to reiterate that appeal.

16. He requested additional information on measures taken to benefit young couples and on the situation of handicapped children.

17. Ms. BOSHKOVA (Bulgaria) commended the Polish Government on its informative and comprehensive report, which documented the success of the Government's social policies.

18. Mr. BORCHARD (Federal Republic of Germany) said that the efforts of the Polish Government to restore and conserve historic buildings, although not mentioned in the report, deserved special commendation.

19. As he knew from his travels in Poland, the Church was very active in that country. He wondered whether the Church provided any additional assistance to families in need and whether there were any Church-run institutions for children or care of the elderly, for example, and whether they were financed solely from the contributions of members or also received subsidies from the State.

20. He requested more information on the work of the "curator centres" referred to in the report.

21. Mr. SAMSON (International Labour Organisation), drawing attention to the report of the ILO Committee of Experts on Poland (E/1981/41), pointed out that Poland had ratified a number of ILO conventions, on maternity protection and work by children and young persons, including the Maternity Protection Convention, 1952, and the Minimum Age Convention, 1973.

22. The Committee of Experts noted that maternity benefits were payable in Poland not only to women workers in a normal employment relationship but also to home workers, members of agricultural co-operatives and self-employed persons. It also mentioned a number of measures to protect the health and safeguard security of employment of women workers during pregnancy and after childbirth. Under the Polish Labour Code, the Council of Ministers had the power to extend those measures to home workers and to persons working outside an employment relationship and they had, in fact, been extended to house workers. The Committee of Experts considered that additional information would be desirable on the protection of working mothers in agricultural co-operatives, either by extending the Labour Code provisions or enacting special measures.

23. A similar question had been raised with regard to work by children and young persons since the various measures referred to by the Committee of Experts in its report applied to work in an employment relationship. The Committee had requested information concerning the application of the Minimum Age Convention and the legislative provisions applicable to children and young persons engaged in home work or working outside an employment relationship, such as family workers and workers in agricultural co-operatives.

24. Mr. FREYBERG (Poland), referring to the questions asked by the representative of Spain, said that working women faced the difficult challenge of balancing their professional activities with their responsibilities in the home. In Poland, the Government made every effort to assist working women by developing the network of nurseries, kindergartens and day-care centres and by providing special after-school recreation programmes for the children of working mothers. More than five million, or 50 per cent, of Polish women were engaged in work outside the home and women constituted 30 per cent of the work force. Consequently, measures to assist working women were one of the Government's major concerns. Working mothers - and fathers, too - were entitled to paid leave to care for sick children.

25. There were different rules applicable to different categories of workers, as the Government's objective was to equalize the rights and duties of all workers. It was only normal, for example, for workers engaged in strenuous or dangerous work to be entitled to more leave and other privileges.

26. As indicated in the report, women on unpaid leave for the purpose of caring for children under the age of four were allowed to take a part-time job or work at home. That humane provision was intended primarily to encourage women to remain at home to care for their children.

27. With regard to the leave entitlements of working students, he indicated that some 20 per cent of Polish students worked while pursuing studies in higher education. They were entitled to supplementary paid leave to enable them to prepare for and sit examinations and, in some cases, they worked shorter hours.

28. The Council for Family Affairs, about which the representative of the German Democratic Republic had inquired, had been established in 1978, and was headed by the Polish Prime Minister. Its membership included the Deputy Ministers of Health and Social Care, Education and Labour, as well as the Vice-Minister for Foreign Affairs, in addition to representatives of the three political parties, of trade unions, and of organizations such as the National Council for Women and the Polish Youth Organization. Representatives of the Church hierarchy were also members of the Council. The Council's main purpose was to initiate action on policy areas affecting the family. It also co-ordinated government activities and co-operative efforts involving families, and monitored the implementation of all decisions having a bearing on family protection and the related conventions and covenants which Poland had signed and ratified. The idea of drawing up a convention on the rights of the child had originated in the Council. So far as he knew, the Council was a unique body; it was held in high regard by the Polish people, and he regarded it as a very effective innovation by the Polish parliament.

29. Poland hoped that work on the draft convention would soon be completed, and intended to submit a draft resolution to the Economic and Social Council at the current session calling for more rapid progress toward that end.

30. To assist young married couples, and to encourage young couples to marry, the non-cash benefits payable to couples had been increased by about 40 per cent. The benefit took the form of a grant for the purchase of household goods and amounted to some 70,000, or about one year's salary for a worker with four years' experience or more. The decision to increase the amount of the grant had been

(Mr. Freyberg, Poland)

accompanied by a reduction in the interest payable on loans by married couples to 3 per cent. Those incentives were proving effective: the number of young married couples was increasing.

31. Allowances for disabled children had already been increased and there were plans to increase them further. The Government also provided special homes for disabled children, and planned a substantial increase in the financing of such homes. Legislation had been enacted establishing protection for disabled children and increasing the level of care to which they were entitled.

32. The authorities had not included information on building preservation and restoration in the report in connexion with environmental protection, but after the expression of appreciation by the representative of the Federal Republic of Germany, he would suggest that such information should be included in subsequent reports to the Working Group.

33. In reply to that representative's question about Church activities, he said that family care was generally provided by the Government, although the Church doubtless provided some assistance from Church funds. The Churches also organized recreational activities for children on a small scale; however, probably 99 per cent of such activities were conducted under government auspices.

34. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) expressed his appreciation of the very comprehensive Polish report which, he said, surpassed the reports of many other countries in the volume of information provided.

Senegal (E/1980/6/Add.13/Rev.1)

35. At the invitation of the Chairman, Mr. Gueye, (Senegal) took a seat at the table.

36. Mr. GUEYE (Senegal), introducing his country's report, said that the preamble to the Senegalese Constitution proclaimed the State's commitment to fundamental rights as set forth in the Universal Declaration on Human Rights; it was in the spirit of its constitutional commitments that Senegal had ratified the Covenant.

37. In conformity with the Covenant, it had adopted important legislation on the family, mothers, young people, workers and the quality of life. That legislation included the Family Code, which established protection for women and children, and the Social Security Code, which provided most of the protection for the family as such and contained a number of provisions of great benefit to mothers. The country had recently amended article 27 of the Social Security Code, to increase the benefits payable to working women during their legal maternity leave from half salary to full salary.

38. The Labour Code provided protection to young people against economic exploitation, while the Ministries of Justice, Social Work and Human Development were also concerned with providing moral protection for young workers.

(Mr. Gueye, Senegal)

39. Senegal was faced, in its efforts to overcome the problems of hunger, housing, clothing and education for its citizens, with recurrent droughts, which damaged the environment and killed off cattle. The Government had begun a campaign against desert encroachment and was engaged in constructing bore holes and dams in order to exploit the waters of the Senegal and Gambia rivers for irrigation and raise food consumption by stimulating agricultural output. The State had a policy of price and salary restraints designed to make sure that basic food products came onto the market at affordable prices. Families were given plots of land on which they were encouraged to build their own homes with financing from commercial banks. The State was increasing the number of sanitary and health workers, waging a campaign against endemic and epidemic diseases, and at the same time working to enhance the role of preventive medicine and improved hygiene and sanitation.

40. Health coverage was not yet adequate, however, and the demand for materials and staff was enormous. In considering the report, the Working Group should recognize that there were extenuating circumstances which accounted for short-comings in Senegal's performance. The country faced challenges in terms of water, energy, education, inflation, employment, and the world economic and cultural order. Action by the international community remained vitally important, and developed countries should not be put off by the magnitude of the developing countries' requirements. It was an individual's right to seek to better his surroundings; but no such betterment was likely if his food supply or health were not secured.

41. Mr. SHAMMA (Jordan) asked what the legal age of majority was, and at what age minors were permitted to marry. He also inquired whether the family allowances a woman received were calculated on the basis of her husband's income.

42. Mr. SVERRE (Norway), remarking that the report listed a number of measures to promote agricultural output, asked under what conditions they could benefit rural farmers and what the cost to the farmers was. The Government was also clearly interested in promoting fish production. In many countries with fishing industries, fish was not available in the interior of the country, so he wondered how the distribution network operated in Senegal.

43. In conclusion, he requested more information on the Government's plans for improving medical coverage of the population, and on the legislation relating to medical care.

44. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) asked for an explanation of the concept of the family as an "ethical" unit of society, and how, if at all, it affected working mothers.

45. Mr. HERMIDA CASTILLO (Nicaragua) requested information on the means used by the Senegalese Government to control food prices, and asked for a reformulation of the statistics on hospitals and medical centres appearing at the end of the report, to show how many patients were served, on the average, in each facility.

46. Mr. MILAMBU (Zaire) asked what place tradition had in Senegalese society. Polygamous marriage was permitted in Senegal: he was curious to know who would be given custody of the children if one of a man's wives chose to divorce him, and how the laws of inheritance operated for a polygamous household. He also asked whether foreigners legally resident in the country enjoyed the same rights as citizens.

47. Mr. SOPINSKY (Union of Soviet Socialist Republics), noting that marriages between minors were apparently possible, asked what was the point of such early marriages.

48. Mr. BORCHARD (Federal Republic of Germany), referring to the quotation from section 21 of the Social Security Code (E/1980/6/Add.13/Rev.1, p.2), asked why the family allowances were granted in respect only of children between the ages of 12 and 15. Referring to the medical situation in Senegal, he noted that that situation could surely be improved, as was clear from the fact, for example, that there was only one doctor for every 15,000 inhabitants. In that connexion, he asked whether Senegal received assistance from international organizations and what steps it envisaged in order to improve that situation.

49. Mr. SAMSON (International Labour Organisation) drew attention to the comments on Senegal provided by the ILO Committee of Experts (E/1981/41, pp. 29 and 30). The provisions governing maternity protection in the form of sickness insurance applied to the relatively small proportion of the population working under an employment relationship. The Committee of Experts had therefore considered that information would be desirable on measures aimed at extending medical maternity benefits, particularly for women not covered by insurance schemes. With regard to maternity benefits for working women, he pointed out that maternity leave allowances had been increased from one-half normal salary to full salary in compliance with legislation adopted in August 1980. While taking that improvement into account, the Committee of Experts considered that additional information would be desirable on any measures taken or contemplated with a view to providing financial assistance before and after childbirth to economically active women working outside an employment relationship (E/1981/41, p. 30).

50. He further pointed out that Senegal had ratified a number of ILO Conventions on work by children and young persons. The Committee of Experts had raised questions concerning some of those Conventions. For example, it wanted to know what constituted light work in which children under the age of 14 could be employed. It had suggested that additional information would be desirable on measures taken to ensure that the hours of work of children and young persons did not exceed their strength, on current practices with regard to medical examinations for children and young workers, which was now left to the discretion of labour inspectors, on measures to raise the minimum age for the manual transport of loads, now permitted from the age of 14, and on measures to protect children and young persons working outside an employment relationship.

51. All those questions were raised with due regard for the progressive implementation of the Covenant, in accordance with article 2 thereof.

52. Mr. GUEYE (Senegal) replying to a question from the representative of Jordan, explained that family allowances were paid in a lump sum, based primarily on the number of children, but irrespective of the salary earned by either parent. With regard to education, he pointed out that 30 per cent of Senegal's budget was devoted to education. That effort was reflected in the increase in the number of children attending primary schools over the period 1960-1979 from 107,000 to 400,000, the number attending secondary schools from 13,000 to approximately 80,000 and the number attending universities from 1,000 to 13,000. Children began primary school at the age of six, but children could also attend kindergarten, starting from the age of three. Education was compulsory, and parents were obliged to place their children in either a public or private school.

53. Referring to questions concerning the right to adequate food (E/1980/6/Add.13/Rev.1, p. 6), he noted that that important problem was rendered even more difficult by Senegal's grain shortage. It was therefore necessary to import most of the products that went into the preparation of food. State food production efforts were directed primarily towards overcoming the problem of water and, accordingly, a programme for the digging of wells and the building of dams had been undertaken with the goal of putting two thirds of the country under irrigation. At the present time, however, government efforts were focused on avoiding shortages and on keeping the prices of basic food products within reach of the population. To that end, the prices of such basic products were strictly monitored, and efforts were made to prevent speculation by merchants who withheld supplies in order to push up prices.

54. Referring to the financing of the measures adopted on behalf of farmers, he explained that Senegal was reforming its agricultural methods, in order to replace traditional, small-scale farming by modern farming techniques. Accordingly, the State had established co-operatives, in which part of the revenue from crops were used to purchase modern equipment under a type of amortization arrangement. However, because of the cyclic drought to which his country was subject, it was frequently difficult for farmers to meet their commitments in that respect. The State was therefore sometimes obliged either to defer their debts or to absorb the costs of modern equipment and wipe out such debts entirely.

55. Referring to fishing and fish distribution, he explained that the State had organized distribution co-operatives which helped fishermen to purchase motors for their canoes. Fishermen also received tax facilities for the purchase of fuel and the State was making a major effort to build up its canneries. Fishing was a basic source of revenue for the Senegalese economy and a major factor in its development. Distribution of fish to non-coastal areas did not present any problems, because fishing could be practised in almost all parts of the country. Except for the very centre of the country, people in almost every area had easy access to the sea and the fish catch was very large.

(Mr. Gueye, Senegal)

56. Commenting on the right to physical and mental health, he conceded that in terms of medical and paramedical staff, medicines and infrastructure, medical coverage was inadequate. However, with a view to remedying that situation and attaining the objective of "health for all by the year 2000", the State had adopted a number of realistic measures, focusing in particular on preventive medicine, on vaccination campaigns and on combating epidemics and endemic diseases. The State was also building hospitals: there were 11 hospitals, 34 health centres, some 400 health stations and 7 endemic disease centres for Senegal's five million inhabitants. As a result of university training and the training received in military health schools, the number of doctors was increasing. An effort was also being made to increase the number of health facilities in rural areas through the establishment of maternity centres and pharmacies.

57. Referring to the ethical foundations of the family, he explained that, in Senegal, as in most States, the family was considered to be the basic unit of society. That attitude was reflected in the Constitution and in the very favourable measures adopted to protect the family, for example, the rigorous provisions of the Family Code governing marriage and divorce.

58. With regard to the control of food prices, he explained that a section of the Ministry of Trade was responsible for monitoring prices periodically with a view to preventing the forms of speculation to which he had referred, warding off the adverse effects of inflation, and in particular, protecting consumers against certain harmful business practices by merchants. Price controls had been very effective.

59. Referring to day nurseries and the protection of young people and the disabled, he explained that an ongoing effort was being made to develop pre-school facilities. The protection of young persons was ensured primarily by the Ministry of Social Welfare, the Ministry of Human Advancement and the Ministry of Justice. The Ministry of Social Welfare provided services for orphans and abandoned children. The Ministry of Justice and its division on supervised education was responsible for delinquent minors and endangered children (E/1980/6/Add.13/Rev.1, p. 6). The disabled received assistance from the relevant office of the Ministry of Social Welfare and from the National Fund for Social Aid and Welfare, which actively assisted both the disabled and the poor.

60. As to the place of custom and tradition in Senegalese legislation, he noted that, although Senegal had adopted a great deal of legislation, its customs had not disappeared. For example, under the Civil Code, there were two types of marriage: religious or traditional marriage and civil marriage. Generally, a civil marriage was performed by the registrar after the traditional marriage ceremony. According to the Moslem religion, a marriage must first be performed in a mosque before it could be registered. All marriages must eventually be registered. If two people wished to be married by the registrar or his representative, they merely came before him and answered certain questions; the registrar then performed the civil marriage.

(Mr. Gueye, Senegal)

61. Replying to the question concerning polygamous families in Senegal, he explained that such families did exist, although the Family Code of 1972 contained provisions designed to discourage such arrangements, and they could be expected eventually to become rare. Most of the citizens of Senegal were Moslems and under their religion polygamy was permitted. Under the legislation in force, when persons wishing to marry came before the registrar, they were offered a choice between monogamy and polygamy. If they chose monogamy, their decision was irreversible, even if subsequently they divorced and remarried. If they chose polygamy, whereby a man was permitted to have a maximum of four wives, the number of wives chosen at the time of the first marriage could be reduced thereafter but it could not be increased.

62. As to the custody of children in the event of divorce, he explained that the decision was taken by a judge on the basis of the child's interests. If the judge subsequently found that the parent having custody was not rearing the child properly, he could award custody of the child to the other parent or to a third party.

63. As to the question of inheritance rights, he noted that Senegalese legislation made no distinction between children born out of wedlock and legitimate children.

64. The age of civil majority was 21 years, but the age required for marriage was 21 for men and 16 for women. Marriages contracted by people under those ages were null and void. Under section 108 of the Family Code, the essential requirement of personal consent by each of the intending spouses also applied to minors. However, minors could marry only for serious reasons, with the permission of the President of the Republic and that of a parent or guardian.

65. With reference to family allowances, he explained that allowances were paid in respect of dependent children after their second birthday and up to the age of 15, or up to the age of 18 when the children were chronically ill or were pursuing academic studies.

66. With regard to maternity protection, in particular for women who were not working, he noted that pregnant women in rural areas had access to free medical care in public hospitals. The State was seeking to remedy the inadequacies of such care by setting up the rural maternity centres and pharmacies to which he had referred earlier.

67. Referring to the rights of foreign nationals in Senegal, he explained that foreigners generally came to Senegal to work for a specific period of time. If they stayed less than six months, they did not enjoy the same rights or advantages as Senegalese workers. However, the same was true of Senegalese workers who went abroad. Accordingly, the status of foreign workers was regulated by bilateral agreements.

68. Mr. Gueye (Senegal) withdrew.

The meeting rose at 1.15 p.m.